

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KATHERINE PEPE, PATRICIA DONADIO,
and JUNE VONDERCHEK, individually and
on behalf of all other similarly situated,
Plaintiffs,
v.
4e BRAND NORTH AMERICA, LLC,
Defendant.
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ORDER

20 CV 6494 (VB)

On November 10, 2020, defendant moved to dismiss the complaint. (Doc. #14).

Accordingly, it is hereby ORDERED that, by no later than November 20, 2020, plaintiffs must notify the Court by letter whether they (i) intend to file an amended complaint in response to the motion to dismiss, or (ii) will rely on the complaint that is the subject of the motion to dismiss.

If plaintiffs elect not to file an amended complaint, the motion will proceed in the regular course, and the Court is unlikely to grant plaintiff a further opportunity to amend to address the purported deficiencies made apparent by the fully briefed arguments in defendant's motion. See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility"); accord F5 Capital v. Pappas, 856 F.3d 61, 89–90 (2d Cir. 2017). The time to file opposing and reply papers shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules, unless otherwise ordered by the Court.

If plaintiffs elect to file an amended complaint, they must file the amended complaint by no later than 14 days after notifying the Court of their intent to do so. Within 21 days of such amendment, defendant may either: (i) file an answer to the amended complaint; or (ii) file a motion to dismiss the amended complaint; or (iii) notify the Court by letter that it is relying on the initially filed motion to dismiss.

Dated: November 11, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge